

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re:

R&S St. Rose, LLC.

Debtor.

BRANCH BANKING AND TRUST  
COMPANY, SUCCESSOR IN  
INTEREST TO FDIC AS RECEIVER  
FOR COLONIAL BANK, N.A., *et al.*,

Appellants,

v.

R&S ST. ROSE, LLC, *et al.*,

Defendants.

**Consolidated Cases:**

Case No. 2:12-cv-01615-LDG (GWF)

Case No. 2:12-cv-01617-LDG (GWF)

Case No. 2:12-cv-01647-LDG (GWF)

Case No. 2:12-cv-01667-LDG (GWF)

Bankruptcy Case No. 11-14974-MKN  
Chapter 11

Bankruptcy Case No. 11-14973-MKN  
Chapter 11

Appeal Ref. No. 12-39

Appeal Ref. No. 12-40

Appeal Ref. No. 12-43

Appeal Ref. No. 12-44

**ORDER DENYING MOTION TO DISMISS APPEAL**

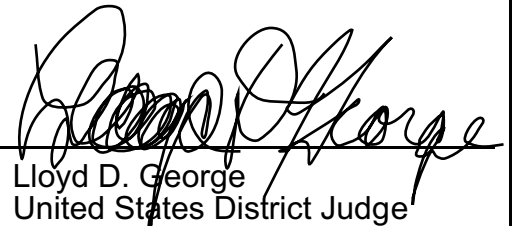
Appellee R&S St. Rose, LLC, moves to dismiss (#57) the appeal of the Bankruptcy Court Order that denied Appellants motion for substantive consolidation of bankruptcy estates of R&S St. Rose, LLC and R&S St. Rose Lenders, LLC. Appellants Branch

1 Banking and Trust Company and Commonwealth Land Title Insurance Company oppose  
2 the motion (## 58, 59).

3 The appellee argues that because the Nevada Supreme Court affirmed the state  
4 district court's order, this matter is moot. As argued by the appellants, however, the issue  
5 raised on appeal concerns whether the bankruptcy court erred in considering the state  
6 district court's order because that state court order was not relevant to the issues  
7 presented in the motion before the bankruptcy court. Regardless of whether the Nevada  
8 Supreme Court affirmed the state district court, the issue remains before this Court whether  
9 the bankruptcy court erred in relying on that state district court order. Accordingly,

10 THE COURT **ORDERS** that Appellee R&S St. Rose, LLC's Motion to Dismiss (#57)  
11 the appeal is DENIED.

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13 DATED this 18 day of March, 2014.

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16 Lloyd D. George  
United States District Judge  
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